



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,155	03/08/2006	Csaba Bona	CSBO0101PUSA	3472
22045	7590	05/16/2008	EXAMINER	
BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			DECKER, CASSANDRA L	
			ART UNIT	PAPER NUMBER
			2619	
			MAIL DATE	DELIVERY MODE
			05/16/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/595,155	Applicant(s) BONA, CSABA	
	Examiner CASSANDRA DECKER	Art Unit 2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>29 June 2006</u> . | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Claims - Objections

1. Claims 1-5 and 8-9 are objected to because of the following informalities.

For Claim 1 lines 2 and 4, "the sender", "the packet", and "the receiver" are all mentioned for the first time and should respectively be corrected to ---a sender---, ---a packet---, and ---a receiver---.

For Claim 2 lines 3 and 4, "different transmission times" and "different transfer times" refer to previously mentioned items and should be corrected to ---the different transmission times--- and ---the different transfer times--.

For Claim 3 line 2, "two separate computer networks" refers to a previously mentioned item and should be corrected to ---the two separate computer networks---.

For Claim 4 line 2, "the useful information" is mentioned for the first time and should be corrected to ---useful information---.

For Claim 4 line 4, "another type of packet" refers to a previously mentioned item and should be corrected ---the other type of packet---.

For Claim 5 line 3, "networks" should be corrected to ---computer networks---.

Art Unit: 2619

For Claim 8 line 2, "the two message identifications" and "the last packet" are mentioned for the first time and should be corrected to ---two message identifications--- and ---a last packet---.

For Claim 9 lines 1-2, "the time shift" is mentioned for the first time and should be corrected to ---a time shift---.

Appropriate correction is required.

Claim rejections – 35 USC §112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 4 line 2, it is stated that "the bits with even-numbered bit positions in the original bit sequence in the useful information are combined into one type of packet". Then on line 3 it is stated that "the bits with even-numbered bit positions are combined into another type of packet".

For purposes of examination, it is assumed that the second mention of the even numbered bits should properly mean odd numbered bits.

Art Unit: 2619

The term "useful information" on line 2 of Claim 4 is undefined. For purposes of examination, it is assumed that "useful information" means data.

In Claim 8 line 3, the term "original information" is undefined. For purposes of examination, it is assumed that "original information" means data.

Claim rejections – 35 USC §101

4. Claims 1-10 provide for the use of a network for transmitting data, but, since the claims do not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Claims 1-10 are rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

Claim rejections – 35 USC §103

Art Unit: 2619

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 1-2, 4-6, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shu et al. (US 2003/0115364) in view of Sebire (US 2004/0257250).

For Claim 1, Shu et al. teach a method for transmitting electronic data (see paragraph 16), characterized in that the sender preprocesses the data into N types of packets by virtue of the packet preprocessing stage (paragraph 28), and the N types of packets are sent to the receiver independently of one another (see paragraphs 20 and 37), with spectral

Art Unit: 2619

separation via N networks at different transmission times and/or with different transfer times (see paragraph 98).

Shu et al. do not teach the packet preprocessing stage combining every N-th ($N=1, 2, 3, \dots$) bit into one type from the N types of packets. However, Sebire teaches combining every N-th ($N=1, 2, 3, \dots$) bit into one type from the N types of packets (see abstract).

Thus it would have been obvious to a person of ordinary skill in the art at the time of invention to apply the bit-wise packet splitting algorithm taught by Sebire to the packet preprocessing stage taught by Shu et al. The motivation for doing so would be to increase bandwidth.

For Claim 2, Shu et al. further teach the method characterized in that the sender preprocesses the data into two types of packets (4u, 4g) which are sent to the receiver independently of one another (see paragraph 28), via two networks (5u, 5g), at different transmission times and/or with different transfer times (see paragraphs 36, 37, and 98).

For Claim 4, Sebire teaches the method characterized in that the bits with even-numbered bit positions in the original bit sequence in the useful information are combined into one type of packet and the bits with even-numbered bit positions are combined into another type of packet (see paragraph 13).

Art Unit: 2619

For Claim 5, Shu et al. further teach the method characterized in that each of the terminals, sender and receiver, connected to the two computer networks has two identities associated with the two networks (see paragraphs 37 and 38; virtual networks, multiple addresses assigned to sender and receiver).

For Claim 6, Shu et al. teach a respective identity for the respective terminal, sender and receiver, connecting said terminal to a respective one of the two computer networks (see paragraphs 38 and 41).

For Claim 9, Shu et al. further teach the method characterized in that the time shift between the transmissions in the two computer networks is produced by the different paths taken (see paragraph 98).

For Claim 10, Shu et al. further teach the method characterized in that the transmission in N networks takes place over wires and/or wirelessly (see paragraph 18).

8. Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shu et al. (US 2003/0115364) and Sebire (US 2004/0257250) as applied to claims 1 and 2 above, and further in view of Preston et al. (US 2002/0032853).

For Claims 3 and 7, the references as applied above do not teach the method characterized in that the two types of packets (4u, 4g) are sent via

Art Unit: 2619

two separate computer networks (5u, 5g) which do not contain a common node, or that that devices which are responsible for forwarding the packets in the respective computer network are respectively connected just to one computer network. However, Preston et al. teach the separate packets sent via two separate networks which do not contain a common node and that that devices which are responsible for forwarding the packets in the respective computer network are respectively connected just to one computer network (see paragraph 46 and Figure 4).

Thus it would have been obvious to a person of ordinary skill in the art at the time of invention to use the dynamic link allocation functions of Preston et al. in the network traffic camouflaging system of Shu et al. and Sebire. The motivation for doing so would be to achieve the application transparency advantages of the system according to Preston et al.

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shu et al. (US 2003/0115364) and Sebire (US 2004/0257250) as applied to claims 1 and 2 above, and further in view of Sebire (US 6870821).

For Claim 8, the references as applied above do not teach the method characterized in that the two types of packets can be assembled by the two message identifications sent in the last packet in accordance with the original information. However, Sebire (6870821) teaches the method

Art Unit: 2619

characterized in that the two types of packets can be assembled by the two message identifications sent in the last packet in accordance with the original information (see column 2 lines 54-65).

Thus it would have been obvious to a person of ordinary skill in the art at the time of invention to use the packet decoding functions of Sebire (6870821) in the network traffic camouflaging system of Shu et al. and Sebire. The motivation for doing so would be to enable the system to operate within current standards.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yeung et al. (US 5793953) and Jagadeesan (US 6836804) teach packet splitting systems. Perkins et al. (US 6496477) teaches methods of sending packets on diverse paths through a network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CASSANDRA DECKER whose telephone number is (571)270-3946. The examiner can normally be reached on Monday through Friday, 7:30 am to 5:00 pm EST.

Art Unit: 2619

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Nguyen can be reached on (571) 272-3159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CD
5/12/2008

/Steven H.D Nguyen/
Primary Examiner, Art Unit
2619